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PATENT

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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant: David J. Schanzlin
Serial No.: 08/993,696 Group: 3738
Filed: December 18, 1997 Examiner: Willse, David H.
For: RADIAL INTRASTROMAL CORNEAL INSERT

REQUEST TO ACCEPT THE PRELIMINARY AMENDMENT ADDING CLAIMS 50-67
AND OTHER PAPERS FILED THEREWITH VIA 37 CFR 1.8 ON JANUARY 7, 2002
AS TIMELY FILED

Honorable Assistant Commissioner
for Patents
Washington, D.C. 20231

Sir:

This is a request to accept, as timely filed, the PRELIMINARY AMENDMENT AND REQUEST TO DECLARE INTERFERENCE UNDER 37 C.F.R. § 1.607 and the RESPONSE AND FEE TRANSMITTAL filed by certificate of mailing (37 CFR 1.8(a)) on January 7, 2002.

In support of this request are declarations by Pam Golden and Stanislav Bindman attesting to the mailing of these papers in accordance with 37 CFR 1.8(a) on January 7, 2002. A copy of the above-noted preliminary amendment and response are also enclosed. As stated in Pam Golden's declaration, she is an experienced patent secretary and after dating and signing the certificate of mailing she placed the envelope with the papers in the mail. The papers apparently did not arrive at the U.S. Patent and Trademark Office. Another copy was subsequently submitted, but have not been treated as timely for the purposes stated in the preliminary amendment and response. At this time Applicant is requesting that the mailing of the above-

noted papers on January 7, 2002 be acknowledged by the appropriate U.S. Patent & Trademark Office official with such acknowledgement according the January 7, 2002 date to the papers.

It is submitted that this request is properly considered under 37 C.F.R. 1.181(a) without any petition fee. However, if a petition or other fee is necessary this paper may be considered as authorization to charge such fee(s), or any overpayment in fees be credited, to the Account of Barnes & Thornburg, Deposit Account No. 02-1010 (32748-39456).

If there are any issues remaining to be resolved, the examiner is invited to telephone the undersigned so that such issues can be promptly resolved.

It is requested that a copy of the decision on this request be sent via facsimile to the undersigned at 202-289-1330.

Respectfully submitted,

BARNES & THORNBURG



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